

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

AIRWAY LEASING. LLC,
Plaintiff,

v.

MTGLQ INVESTORS, L.P.; TRUIST
BANK; MORTAGGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
and FEDERAL NATIONAL
MORTGAGE ASSOCIATION,
Defendant.

C.A. No. 18-cv-516-JJM-PAS

MTGLQ INVESTORS, L.P.,
Third-Party Plaintiff,

v.

ROCCO A. DELUCA, II; ANN-MARIE
DELUCA a/k/a ANN MARIE K.
DELUCA; and R.J.R. REALTY CO.,
Third-Party Defendants.

ORDER

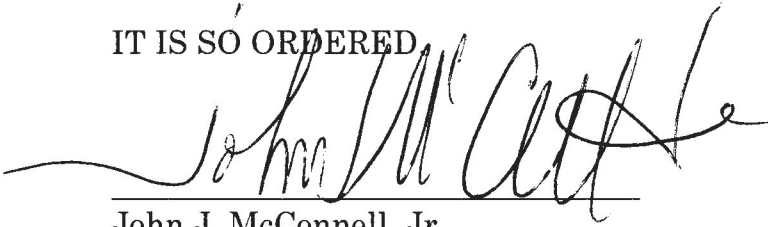
Before the Court are two Motions for Summary Judgment (ECF No. 106 (by Defendants Mortgage Electronic Registration Systems, Inc. (“MERS”) and Truist Bank) and ECF No. 109 (by MTGLQ Investors, L.P.)). Also before the Court are two Reports and Recommendations (“R&R”) by Magistrate Judge Patricia A. Sullivan recommending that the Court grant the two summary judgment motions. Plaintiff Airway Leasing has objected to the two R&R’s (ECF No. 117), and the Defendants replied. ECF Nos. 123 and 124.

All parties admitted the facts are not in dispute (“Plaintiff does not dispute the recitation of facts in either Defendants MTGLQ or Truist Bank’s respective Statement of Undisputed Facts, which are concisely set forth in the R&R.” ECF No. 117 at 5.). So, the sole question before the Court is whether the Defendants/Third-Party Plaintiffs are entitled to judgment as a matter of law.

The Court determines that the Defendants and Third-Party Plaintiff are entitled to judgment as a matter of law for the reasons and rationale set forth in the two R&Rs. The Court therefore finds that:

1. MTGLQ has definitively established that the mortgage held by MTGLQ on the property at 721 Woodward Road, North Kingstown, R.I., is valid, viable, and enforceable. The Court grants the relief sought by MTGLQ in Count II of its counterclaim – a judicial declaration confirming the interest of MTGLQ in the real estate as the holder of the mortgage, which is valid and enforceable; and
2. The Court GRANTS the Motion for Summary Judgment (ECF No. 106). Judgment shall enter in favor of Truist Bank and Mortgage Electronic Registration Systems, Inc. against Airway Leasing, LLC and against the Third-Party Defendants Rocco A. Deluca, II and Ann-Marie Deluca; and
3. The Court GRANTS the Motion for Summary Judgment (ECF No. 109). Judgment shall enter in favor of MTGLQ against all claims by Airway Leasing, LLC; and
4. The Court dismisses with prejudice all claims against Federal National Mortgage Association and R.J.R. Realty Co. for lack of prosecution.

IT IS SO ORDERED

A handwritten signature in black ink, appearing to read "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.
Chief United States District Judge

May 12, 2021